



San Jacinto River Waste Pits

Superfund Site

DRAFT

ROD Briefing

September 22, 2017



San Jacinto River Waste Pits

South
Impoundment
1965

Changing River Conditions

1966



1997







Site History

- 1960s: Paper mill waste disposal.
- 2008: EPA added Site to the NPL.
- 2009: EPA Order to McGinnis and International Paper to conduct RI/FS.
- 2010: McGinnis & International Paper sign Consent Order to construct a temporary cap.
- 2011: Temporary cap completed.
- 2012, 2013, 2014, 2015, 2016, 2017: Cap repairs
- 2014: PRPs submitted an initial draft FS. EPA asks for USACE input.



Site History

- 2015: EPA dive team discovers 20 foot gap in the temporary cap; dioxin exposed. PRP's ordered to repair the cap. Intense media interest.
- 2016:
 - Another cap repair needed, inspection protocols updated.
 - 8 foot deep scour found near cap.
 - EPA assumed authorship of the FS.
 - Reviews of Proposed Plan by Remedy Review Board, HQ dioxin risk assessors, Contaminated Sediment Workgroup, ORD and OSRTI.



9/29/16 Proposed Plan

Northern Waste Pits

- Remove 152,000 cubic yards of waste for offsite disposal.
- \$ 77 million.

Southern Impoundment

- Remove 50,000 cubic yards of waste for offsite disposal.
- \$10 million.



Rationale

- Dioxin waste is highly toxic and persistent (100s of years).
- High threat of repeated storms and constant river flow against man-made features.
- The history of armor cap maintenance.
- Avoids catastrophic release in un-controlled situation [USACE projected significant loss over 80% cap area].



Other Alternatives Considered

- ⊘ No further action.
- ⊘ Institutional controls.
- ⊘ Upgraded caps.
- ⊘ Partial Solidification/Stabilization.
- ⊘ Partial removal alternatives.



None are Reliable for all Storm Events

Public Comment Period

- September 29, 2016 to January 12, 2017; public meeting in October 2016.
- 7,000 written comments received – [94% in favor of removal, 3% opposed, 3% no preference]
- 48,000 petition signatures

Site Stakeholders

[Generally: **for**, **against**, questioning]

- San Jacinto River Coalition
- Galveston Bay Foundation
- Coastal Conservation Association Texas
- San Jacinto River Fleet
- San Jacinto Citizens Against Pollution (CAP)
- Sediment Management Workgroup
- Texas Association of Business
- McGinnes [Waste Management]
- International Paper

Site Stakeholders

- Texas Commission on Environmental Quality
- Harris County
- City of Baytown
- Port of Houston Authority
- Congressional – Babin (R-TX36); Green (D-TX29);
- Federal & State Partners (NOAA, USFWS, TCEQ, TX GLO, TPWD, USACE, USGS)

Key Issues

- ***Would an improved cap be permanent?***

- 2016 USACE modeling projected 80% erosion of temporary cap in a huge storm event.
 - ❑ PRPs could not duplicate USACE model results.
 - ❑ PRPs claim that an enhanced cap would be permanent
- 2017 USACE modeled enhanced cap projects large erosion
- Historical photos show loss of land; flood & site history demonstrate erosion & river morphology changes.
 - ❑ 8-ft deep scour adjacent to cap in 2016.
 - ❑ Large scour near cap in 2017 Hurricane Harvey
 - ❑ Additional repairs needed after Harvey [over 1,000 tons of additional rock]

- ***Can Principal Threat Waste be excavated without spreading pollution?***

- PRPs & others fear dioxin release inevitable with removal.
- USACE indicated that excavation in the “dry” behind cofferdam could be accomplished without material release.

Issues in change of cost estimates

- Enhanced cap:
 - 2016 Proposed Plan: \$24.8 million
 - 2017 Response to Comments: \$80 million (100 yr. O&M & 0.7% discount rate)
- Excavation & disposal:
 - 2016 Proposed Plan: \$87 million
 - 2017 Response to comments: \$115 million (with cofferdam & dry excavation for northern pit)



Enforcement Process

or



Potentially Responsible Parties

Major Parties

- | | |
|-------------------------|----------------|
| 1. International Paper | Arranger |
| 2. McGinnis (Waste Mgt) | Owner/Operator |

Minor Parties

- | | |
|----------------------------|-----------------|
| 3. Megasand Enterprises | Former Operator |
| 4. Musgrove Towing Service | Current Owner |
| 5. New Lost River, LLC | Current Owner |

CONCERNS

- Cost - Intl. Paper and McGinnis – spent about \$10M for temporary cap, \$1.5M on cap O&M, and final remedy cost of \$115M
- Ability-to-Pay - Megasand, Musgrove & New Lost River